

10/22/01

01-07-02

PTO/SB/05 (03-01)

OMB 065-0032

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4340C2 US

First Inventor Kenneth J. Livak

Title LENGTH DETERMINATION OF NUCLEIC ACID REPEAT  
SEQUENCES BY DISCONTINUOUS PRIMER EXTENSION

Express Mail Label No. EL 897 621 497 US

PTO/SB/05 (03-01)  
OMB 065-0032  
U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

10/22/01

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 42]  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. Oath or Declaration [Total Pages 3]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer  
Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☒ Request to Use Computer Readable Copy (CRF) from  
USSN 09/205,114  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☒ paper copy (identical to computer copy in  
09/205,114)  
c. ☒ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS Citations  
Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Certified Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its  
equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,  
or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09 / 205,114 filed December 3, 1998

Prior application information:

Examiner: Chunduru, S.Group Art Unit: 1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 5b, is considered a part of the disclosure of the continuation or divisional application and is hereby incorporated by  
reference. The incorporation can only be relied upon when a portion of the disclosure is presently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label 22896 or ☐ Correspondence address below

Name	Vincent M. Powers				
Address	Applied Biosystems				
	850 Lincoln Centre Drive				
City	Foster City	State	California	Zip Code	94404
Country	US	Telephone	650-570-6667	Fax	650-638-6677

Name (Print/Type)	Vincent M. Powers	Registration No. (Attorney/Agent)	36,246
Signature	<i>Vincent M. Powers</i>	Date	October 22, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any  
comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office,  
Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box  
Patent Application, Washington, DC 20231. 28886\_1.DOC

CERTIFICATION UNDER 37 CFR 1.10

Express Mail Number: EL 897 621 497 US

Date of Deposit: October 22, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D.C. 20231.

Mila T. Kasan  
(Print Name of Person Mailing Application)

*M. T. Kasan*  
(Signature of Person Mailing Application)

**Docket No. 4340C2 US**

**Transmittal of Continuation Patent Application  
For Filing Under 37 CFR 1.53(b)**

PRIOR APPLICATION:

Examiner: Chunduru, S.

Art Unit: 1656

Assistant Commissioner for Patents  
Box: Patent Application  
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/205,114 filed on December 3, 1998 by Kenneth J. Livak, Adam L. Lowe and Andrew J. Blasband entitled

**LENGTH DETERMINATION OF NUCLEIC ACID REPEAT SEQUENCES  
BY DISCONTINUOUS PRIMER EXTENSION**

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ One utility patent application containing text pages 1 - 42 and ☒ 7 sheets of ☒ formal ☐ informal drawings.
- ☒ Application Data Sheet.
- ☒ Copy of executed Declaration of Inventorship from parent application serial no. 09/205,114.
- ☒ Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- ☐ A Preliminary Amendment.
- ☐ A new Power of Attorney.

2. Amendment

- ☐ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☐ Please cancel original claims \_\_\_\_\_, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)
- ☐ Amend the specification by inserting before the first line the sentence: -- This application is a divisional / continuation of application serial no. \_\_\_\_\_ filed \_\_\_\_\_ which is a divisional / continuation of application serial no. \_\_\_\_\_ filed \_\_\_\_\_ . --

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to \_\_\_\_\_ (copy enclosed).

10038520 102201

- ☒ **Conditional Petition for Extension of Time:** An Extension of Time is requested to provide for timely filing *if* required to establish copendency with the parent after all papers filed herewith have been considered.

4. **Prior Documents Still in Effect**

- ☒ This application and parent application Serial No. 09/205,114 filed December 3, 1998 are assigned of record to PE Corporation (NY).

- ☒ Power of attorney in the above-identified prior application is to Vincent M. Powers, Reg. No. 36,246, and the other attorneys or agents identified therein.

5. **Fees**

The filing fee is calculated below taking into account any amendments in section 2 above:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	32 - 20	12	X \$18.00	\$0.00
INDEPENDENT CLAIMS	3 - 3	0	X \$84.00	\$0.00
	BASIC FEE			\$0.00
	Multiple Dependency Fee If Applicable \$280.00			
	Total			
	50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern			
	TOTAL FILING FEE			\$0.00

- ☐ The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

- ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.

- ☒ Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.  
**DO NOT CHARGE DEPOSIT ACCOUNT.**

Respectfully submitted,

  
Vincent M. Powers, Reg. No. 36,246

Dated: October 22, 2001

**Correspondence Address:**

Customer Number 22896  
Applied Biosystems  
Patent Department M/S 432-2  
850 Lincoln Centre Drive  
Foster City, California 94404  
Telephone: 650-638-6492  
Facsimile: 650-638-6677

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	To be assigned
Filing Date	October 22, 2001 (herewith)
First Named Inventor	Kenneth J. Livak
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	4340C2 US

**TOTAL AMOUNT OF PAYMENT (\$)** 0.00**METHOD OF PAYMENT (check one)**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit  
Account  
Number  
Deposit  
Account  
Name

01-2213

Applied Biosystems

- ☒ Charge any Additional Fee Required  
Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:**
- 
- ☐
- Check
- ☐
- Credit card
- ☐
- Money
- ☐
- Other
- 
- Order

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	0.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** 0.00**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
32	-20**= 12	18.00	0.00
3	-3**= 0	84.00	0.00
Multiple Dependent		0.00	0.00

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 0.00**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2520	147	2520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1840*	113	1840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1440	218	720	Extension for reply within fourth month	
128	1960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1510	138	1510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1280	241	640	Petition to revive - unintentional	
142	1280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 0.00**SUBMITTED BY**

Name (Print/Type) Vincent M. Powers

Registration No.  
(Attorney/Agent)

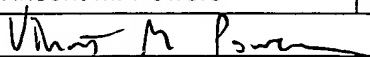
36,246

**Complete (if applicable)**

Telephone

650-638-6492

Signature



Date

October 22, 2001

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